

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, NOVEMBER 14, 2005**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:00 p.m. on Monday, November 14, 2005, with President Talley presiding.

Councillor Bradford led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

President Talley instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

29 PRESENT: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty, Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley
0 ABSENT:

A quorum of twenty-nine members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Bradford recognized Senator Glenn Howard. Councillor Gray recognized neighbor and former Council president Dr. Beurt SerVaas; former Councillor Elwood Black and State Representatives Ed Mahern and Bill Crawford. Councillor Abdullah introduced local chaplain Mike Wally. Councillor Mansfield recognized Sheriff Frank Anderson. Councillor Nytes recognized Mapleton Fall Creek residents Clara Warner and Al Polin. Councillor Gibson recognized all public safety officials in attendance, and officer Kendall Adams for the OK Program. Councillor Oliver introduced friends Paul Bateman and Reverend Daniel Rose, and Sheriff's Department Deputy Chief Eva Sanders. Councillor Cain recognized Fraternal Order of Police president Vince Huber. President Talley stated that he is honored to have president emeritus Dr. Beurt SerVaas in attendance this evening and he asked Dr. SerVaas to say a few

words. Dr. SerVaas stated that he was on the Council when this chamber was born and the spirit has endured. He said that the Council has a momentous decision before them this evening and he hopes that they will vote for the best welfare of the city.

OFFICIAL COMMUNICATIONS

President Talley welcomed Sheriff Frank Anderson. Sheriff Anderson offered the following communication:

I have a sign posted on my desk that reads "Because we have always done it that way." It is circled in red and has a red line through it. Thus, questioning the status quo has been my guiding motto since taking office as Sheriff in January of 2003.

Why do we have two separate law enforcement agencies in Marion County? For over 150 years, we have done it that way. However, local government does not exist to provide two separate departments. It exists to provide, among other key services, police protection. Given the increase in crime, the crisis in criminal justice, and our tough financial times, we must challenge ourselves to do a better job of protecting the public.

In 2003, I took an oath to uphold Indiana's Constitution, and it is my sacred obligation to defend the office of Sheriff for generations to come. I strongly believe that an elected Sheriff must be responsible for law enforcement.

Let me be clear: Law enforcement consolidation is not a panacea for our public safety woes in Marion County. There will be costs associated with transition, and any savings will likely occur over time. Furthermore, such savings will likely be consumed by increased public safety needs as we strive to provide better police protection. Public Safety has been underfunded for far too long. Proper funding is an investment in our future, not a burden.

In 2002, my office within the U.S. Marshal's Service was designated as the most outstanding office in the nation. By 2005, we were well on our way to making the Marion County Sheriff's Department the finest Sheriff's Department in the country. As we approach 2007, I am confident that, with significant law enforcement input and bi-partisan support, a new metropolitan law enforcement agency could be another jewel in the crown that Indianapolis wears as a world class city.

I am pleased to report that I worked with law enforcement, the Council, and the Mayor to address my concerns about consolidation. Over 25 changes have been made to the proposal in the last few weeks. If adopted, the Sheriff is clearly in charge; 2006 would be a year of collaboration and planning with significant law enforcement input; 2007 will be the debut of a well planned new agency; reasonable questions concerning social security and pensions have been answered; and, law enforcement and minority party input and participation have been invited and included.

Do citizens stand a better chance of receiving improved police protection with a single force? In my professional opinion, given the current proposal, the answer is yes.

I want to thank my brothers and sisters in the brown and blue. You put your life on the line every day and, if approved tonight, you must put this new organization together. I am fully confident that you are up to the task. I want to thank those Councillors who have worked so hard in a very positive and constructive way; Councillors on both sides of the aisle, who put public safety ahead of politics. And I want to thank Mayor Bart Peterson. We had our disagreements on consolidation and collaboration, but we were never disagreeable. Throughout these months and weeks, we both knew that our hearts were in the right place. We both want to better protect and serve the people of this great county and city.

Thank you for your attention.

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The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, November 14, 2005, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Steve Talley
President, City-County Council

November 1, 2005

TO PRESIDENT TALLEY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* on Wednesday, November 2, 2005 and in the *Indianapolis Star* on Thursday, November 3, 2005, a copy of a Notice of Public Hearing on Proposal Nos. 560-571, 2005, said hearing to be held on Monday, November 14, 2005, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Jean Ann Milharcic
Clerk of the City-County Council

November 1, 2005

TO PRESIDENT TALLEY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Jean Ann Milharcic, the following ordinance:

SPECIAL RESOLUTION NO. 79, 2005 – authorizes the Office of Environmental Services to apply for grant assistance from the Indiana Department of Environmental Services (IDEM) to assist in funding the disposal costs associated with the City's household hazardous waste program known as Tox-Drops

November 7, 2005

TO PRESIDENT TALLEY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Jean Ann Milharcic, the following ordinances:

FISCAL ORDINANCE NO. 133, 2005 - approves an increase of \$280,000 in the 2005 Budget of the Department of Public Works, Operations Division (Sanitation General Fund), to pay for operations and maintenance of the recently constructed and activated flow equalization storage basins at the Belmont and Southport Advanced Wastewater Treatment facilities, financed by fund balance

FISCAL ORDINANCE NO. 134, 2005 - approves an increase of \$120,000 in the 2005 Budget of the Department of Public Works, Operations Division (Transportation General Fund), to purchase supplies for the remainder of 2005, including anticipated snow and ice removal in November and December, financed by funds reimbursed by FEMA for snow emergencies earlier this year that were deposited into the fund balance

FISCAL ORDINANCE NO. 135, 2005 – approves an increase of \$1,500,000 in the 2005 Budget of the Department of Public Works, Engineering Division (Stormwater Management Fund), to provide the 25% local share of project costs for the Monon-Broad Ripple portion of the Indianapolis North Flood Damage Protection project, and to fund other priority drainage projects, financed by fund balance

FISCAL ORDINANCE NO. 136, 2005 – approves an increase of \$2,322,513 in the Budget of the Information Services Agency (Information Services Internal Service Fund) to make the financing payment for the purchase of equipment and software needed to implement the JUSTICE.NET project, financed by pass through charges to the Clerk of the Marion County Circuit Court, and to implement an Urban Area Security Initiative grant to establish fiber optic infrastructure, improve cyber security and establish voice redundancy, financed by pass through charges via a US Department of Homeland Security grant to the Emergency Management Planning Division of the Department of Public Safety

FISCAL ORDINANCE NO. 137, 2005 – approves an increase of \$60,112 in the 2005 Budget of the Department of Public Safety, Police Division (Non-Lapsing Federal Grants Fund), for a delinquency prevention program and for purchase of bullet proof vests, financed by grants from the Indiana Criminal Justice Institute and the US Department of Justice

FISCAL ORDINANCE NO. 140, 2005 – approves an increase of \$36,410 in the 2005 Budget of the Marion County Forensic Services Agency (State and Federal Grants Fund) to provide training and equipment for the firearms section, funded by a grant from the National Institute of Justice

FISCAL ORDINANCE NO. 145, 2005 – approves an increase of \$1,000,000 in the 2005 Budget of the Department of Public Safety, Fire Division (Federal Grants Fund), to pay for costs incurred by the Indiana Task Force One to support the following deployments: Hurricane Katrina (August 27-September 5), Hurricane Ophelia (September 10-17), and Hurricane Rita (September 21-27). The Urban Search and Rescue task force was deployed under the Federal Response Emergency Support Function 9 to assist with the potential destruction anticipated for each of these hurricanes, funded by the Federal Emergency Management Agency

FISCAL ORDINANCE NO. 146, 2005 – approves an increase of \$4,085 in the 2005 Budget of the Department of Public Safety, Emergency Management Division (Non-Lapsing Federal Grants Fund), to support the Community Emergency Response Team (CERT) training program, funded by a grant from the US Department of Homeland Security

FISCAL ORDINANCE NO. 147, 2005 – approves an increase of \$144,300 in the 2005 Budget of the Department of Public Works, Engineering Division (Non-Lapsing Federal Grants Fund), to make sanitary sewer repairs in the area near Fall Creek and Shadeland Avenue, financed by a grant from the federal Environmental Protection Agency

FISCAL ORDINANCE NO. 149, 2005 – approves a transfer of \$10,000 in the 2005 Budget of the Marion County Forensic Services Agency (County General Fund) to pay for repair to a van damaged in an accident where the at-fault driver did not have insurance

FISCAL ORDINANCE NO. 150, 2005 – approves a transfer of \$8,127 in the 2005 Budget of the Marion County Forensic Services Agency (State and Federal Grants Fund) to transfer funds from supplies to contractual services and equipment for the DNA Enhancement project associated with a grant the Indiana State Police received from the National Institute of Justice

FISCAL ORDINANCE NO. 151, 2005 – approves a transfer of \$63,563 in the 2005 Budget of Voters Registration (County General Fund) to pay unexpected shortfalls in personal services and capital outlays, financed by a transfer between characters

GENERAL ORDINANCE NO. 101, 2005 – increases the stormwater user fee

GENERAL ORDINANCE NO. 102, 2005 – authorizes multi-way stops at the intersection of Clearvista Drive and on Clearvista Parkway and Clearvista Way (District 5)

GENERAL ORDINANCE NO. 103, 2005 – authorizes intersection controls for the Brookfield Village Subdivision (District 1)

GENERAL ORDINANCE NO. 104, 2005 – authorizes intersection controls for the Hidden Lakes Subdivision, Section 1 (District 21)

GENERAL ORDINANCE NO. 105, 2005 – authorizes intersection controls for the Wildcat Run Subdivision, Section 16 (District 25)

GENERAL ORDINANCE NO. 106, 2005 – amends the Code and adds a new section in Chapter 451 to restrict the possession and discharge of weapons on reservoirs or property of the Board of Waterworks

GENERAL ORDINANCE NO. 107, 2005 – amends the Code with regards to sewer rates and charges to better describe the permitting process and provide recovery of fees which will support the operation, maintenance and improvement of the sanitary sewer collection system and advanced wastewater treatment plants

SPECIAL RESOLUTION NO. 76, 2005 – remembers Ava Earles

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SPECIAL RESOLUTION NO. 77, 2005 – recognizes the Inaugural Massachusetts Avenue and IndyFringe Festival

SPECIAL RESOLUTION NO. 78, 2005 – recognizes the 110th Anniversary of The Indianapolis Recorder

Respectfully,
s/Bart Peterson, Mayor

November 16, 2005

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

You are hereby notified that a SPECIAL MEETING of the City-County Council will be held in the City-County Building in the Council Chambers on Monday, November 21, 2005 at 7:00 p.m. The purpose of such meeting being to consider any proposals for adopting:

- A. Tax Revenue Anticipation Note borrowing for Marion County General and Marion County Children and Family Funds;
- B. A Special Resolution approving the issuance of "Marion County, Indiana, Family and Children Fund General Obligation Notes, Series 2005" in an aggregate principal amount not to exceed Seventeen Million Dollars (\$17,000,000);
- C. Additional interest obligations as a result of the Family and Children's Fund balance; and
- D. A proposal for a fiscal ordinance to address the juvenile debt owed to DOC.

Each of the proposals are fiscal ordinances. Members of the public will be invited to make comment at the committee meetings held prior to the date of the special council meeting.

Respectfully,
s/Steve Talley, President
City-County Council

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of October 31, 2005. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 614, 2005. The proposal, sponsored by Councillor Abdullah, recognizes Coach Donald R. Stout. Councillor Abdullah read the proposal and presented copies of the document and a Council pin to Joseph Wynns, director of the Department of Parks and Recreation. Mr. Wynns accepted the honor and stated that Coach Stout will be missed. Councillor Abdullah moved, seconded by Councillor Gray, for adoption. Proposal No. 614, 2005 was adopted by a unanimous voice vote.

Proposal No. 614, 2005 was retitled SPECIAL RESOLUTION NO. 80, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 80, 2005

A SPECIAL RESOLUTION recognizing Coach Donald R. Stout.

WHEREAS, Donald R. Stout was born in 1923 in Plymouth, Indiana and was raised in Rochester, Indiana, where he attended school and played high school basketball for Rochester High. After returning

from World War II, Don and his family moved to Indianapolis, where he attended Butler University and received a degree in business; and

WHEREAS, Don worked in the transportation industry for over 30 years, but always found time to be involved at Municipal Gardens Community Center as a coach. First becoming involved in the football program in the late 1950's, Don took a liking to Municipal Gardens and its aim to give kids a chance to play sports who would normally not have that opportunity.; and

WHEREAS, Don accepted employment at Municipal Gardens in 1965 and later became instrumental in the development of the Municipal Gardens basketball program, helping organize and coach teams that played around the Midwest and winning numerous championships and developing quality players; and

WHEREAS, despite retirement, Don will have more time to devote to his involvement with the "CP Rowdies (a recreational cerebral palsy club) and the Senior Citizen exercise and recreation programs; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council congratulates Don on his many years of successful coaching and hard work.

SECTION 2. The Council wishes Don good luck in his retirement and in all future endeavors .

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 616, 2005. The proposal, sponsored by Councillor Talley, recognizes Imam W. Deen Mohammed. President Talley stated that this proposal will be presented to Mr. Mohammed at a later date. He moved, seconded by Councillor Langsford, for adoption. Proposal No. 616, 2005 was adopted by a unanimous voice vote.

Proposal No. 616, 2005 was retitled SPECIAL RESOLUTION NO. 81, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 81, 2005

A SPECIAL RESOLUTION recognizing Imam W. Deen Mohammed.

WHEREAS, Imam W. Deen Mohammed succeeded his father as leader of the Nation of Islam, a black nationalist organization, in 1975 and gradually transformed it into a community practicing "proper Islam", as practiced by over 1 billion Muslims worldwide; and

WHEREAS, in 1976 Imam Mohammed encouraged American Muslims, who had shunned the American political process, to become registered to vote and become involved in the democratic systems of the United States of America; and

WHEREAS, Imam Mohammed was the first Muslim to deliver the Invocation for the U.S. Senate in Washington, D.C. and for both Houses of the Indiana legislature. In 1995 Imam Mohammed was selected as President of the World Conference on Religion and Peace (WCRP); and

WHEREAS, also in 1995 Imam Mohammed delivered the Keynote Address at the Muslim-Jewish Convocation to initiate the first serious public dialogue between top leaders of Islam and Reformed Judaism. In 1998 Imam Mohammed participated in the Conference on Religion and Peace at Auschwitz, Poland hosted by the Center for Christian and Jewish Understanding of Sacred Heart University; and

WHEREAS, in 1999 Imam Mohammed led a delegation of American Muslims to Rome, Italy and addressed a gathering of over 100,000 at the Vatican along with Pope John Paul II and the Dalai Lama.

WHEREAS, after September 11, 2001 Imam Mohammed, in the strongest terms, immediately denounced the terrorist attacks on the United States as un-Islamic and evil. That same year he

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participated in an "Evening of Religious Solidarity," joined by Dr. Robert Schuller and members of the Parliament of World Religions and also attended the Contribution of Religions to Peace Conference in Assisi, Italy at the invitation of Pope John Paul II; and

WHEREAS, in 2002 Imam Mohammed, as International President of WCRP, participated in the Conference of Religious Leaders addressing the devastation on Africa from HIV/AIDS; now, therefore

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes Imam W. Deen Mohammed's 30 years of service to Muslims and all people of faith.

SECTION 2. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 574, 2005. Councillor Nytes reported that the Economic Development Committee heard Proposal No. 574, 2005 on November 9, 2005. The proposal, sponsored by Councillor Nytes, approves the continuation of designation by the state of Indiana as an Enterprise Zone. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Nytes moved, seconded by Councillor Oliver, for adoption. Proposal No. 574, 2005 was adopted on the following roll call vote; viz:

25 YEAS: Abdullallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Schneider, Talley

0 NAYS:

4 NOT VOTING: Franklin, Gibson, Plowman, Speedy

Proposal No. 574, 2005 was retitled COUNCIL RESOLUTION NO. 83, 2005, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 83, 2005

A COUNCIL RESOLUTION made pursuant to H.E.A. No. 1120 to approve the continuation of designation by the state of Indiana as an Enterprise Zone.

WHEREAS, the General Assembly of the State of Indiana has authorized the creation of enterprise zones I.C.4-4-6.1 to promote employment opportunities, reduce poverty, and promote economic development opportunities in distressed areas; and

WHEREAS, the Indiana Economic Development Corporation Board has recognized a portion of the near eastside of Indianapolis as an enterprise zone and the Urban Enterprise Association of Indianapolis as the entity that governs this enterprise zone; and

WHEREAS, according to "Section 87 of House Enrolled Act 1120 (2005), a non-code provision" the General Assembly of the State of Indiana has determined that all Indiana Enterprise Zones must renew with their local City-County Council in the year 2005; and

WHEREAS, the Board of Directors of the Urban Enterprise Association believes additional time is needed to complete its work; and

WHEREAS, the Urban Enterprise Association, in a partnership with the City of Indianapolis, is developing Keystone Enterprise Park; and

WHEREAS, the Urban Enterprise Association is assisting the City of Indianapolis with the commercial development of Fall Creek Place.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council finds that designation of the Indianapolis Urban Enterprise Association should continue in existence subject to renewal as provided by Indiana law.

SECTION 2. The Clerk is directed to submit a certified copy of this resolution to Executive Director of the Indianapolis Urban Enterprise Association upon passage of this Council Resolution.

SECTION 3: This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 471, 2005. Councillor Moriarty Adams reported that the Law Enforcement Consolidation Committee heard Proposal No. 471, 2005 on several occasions culminating with a vote on November 7, 2005. The proposal, sponsored by Councillors Sanders, Talley, Gray, Oliver, Gibson, Brown and Moriarty Adams, amends the Code to establish a metropolitan law enforcement agency through the consolidation of the Indianapolis Police Department and the Marion County Sheriff's Department, to establish a transition advisory board and make other provisions to ensure that such consolidation proceeds in an orderly fashion, and to make corresponding technical changes to numerous sections of the Code. By a 6-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Borst commended Councillor Moriarty Adams for leading this effort and conducting informative meetings with lots of opportunity for public input. He stated that however, the amendments made in committee do not go far enough. He said that focus on consolidation has taken away from the real problem that needs to be looked at: lowering the crime rate. He said that this proposal does not really solve the problem of a high crime rate and there are still too many big issues that are not addressed. He said that it is not good public policy to approve the consolidation without taking the time to iron out these issues and answer vital questions. He said that there are still a lot of legal problems with pension and social security for 250 police officers, and the city is still looking for a fix for these problems from the federal and state government. He said that trips were taken to three different cities, and no city actually reported any cost savings through their consolidation, and actually took a very long time to study before consolidating. He said that it was originally reported that there would be a savings of \$8.5 million, then \$3.5 million, and the latest report shows a possible \$2 million savings at best. He said that this consolidation would bring with it a 97% tax increase in outlying townships that has not been talked about. He said that they need to first look at the 26 items in the report and take time to study the functionality of collaboration. Some things need to be done before this ordinance is passed to make sure the transition will actually work in reality and not just in theory. He said that they also need to revisit budgetary issues to keep from laying off 148 police officers. He said that the Republican caucus would be happy to work with the Democrat caucus and the Mayor to do things right. He said that he opposes the proposal in its current form.

Councillor Moriarty Adams moved, seconded by Councillor Sanders, for adoption. Proposal No. 471, 2005 failed on the following roll call vote; viz:

14 YEAS: Abdullah, Bowes, Boyd, Brown, Conley, Gibson, Gray, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Sanders, Talley
15 NAYS: Borst, Bradford, Cain, Cockrum, Day, Franklin, Keller, Langsford, McWhirter, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy

President Talley called for a brief recess at 7:50 p.m. President Talley reconvened the City-County Council at 8:01 p.m.

PROPOSAL NO. 487, 2005. Councillor Conley reported that the Public Works Committee heard Proposal No. 487, 2005 on November 10, 2005. The proposal, sponsored by Councillors Talley and Keller, approves the sale of the Liberty Water Assets. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Bradford asked why Plainfield would be willing to pay a price that is 25% higher than the appraised value. Carlton Curry, director of contracts and operations for the Department of Waterworks, said that Councillor Bradford would have to ask Plainfield that question, but that he assumes they see a higher value in the entity than Indianapolis. Councillor Bradford asked if a sale was considered to any private entities. Mr. Curry said that Plainfield approached Indianapolis over two years ago with interest and if any private entity had shown an interest, they would have certainly entertained it, but it made sense to consider Plainfield's interest. Councillor Bradford asked if there were any other bids. Mr. Curry said that there were not. Councillor Bradford said that bidding out the project would maximize the benefit to shareholders and ratepayers, and he opposes the sale without looking for other bid comparisons.

Councillor Conley moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 487, 2005 was adopted on the following roll call vote; viz:

20 YEAS: Abdullah, Boyd, Cain, Cockrum, Conley, Day, Gibson, Gray, Keller, Langsford, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Salisbury, Sanders, Speedy, Talley

2 NAYS: Bradford, Schneider

7 NOT VOTING: Borst, Bowes, Brown, Franklin, Mahern, Plowman, Randolph

Proposal No. 487, 2005 was retitled GENERAL RESOLUTION NO. 20, 2005, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 20, 2005

PROPOSAL FOR A GENERAL RESOLUTION approving the sale of the Liberty Water assets:

WHEREAS, the Department of Waterworks (the "Department") owns certain real property and assets in commonly know as its Liberty Water Division in Hendricks County, Indiana; and

WHEREAS, Chapter 273 of the "Revised Code of the Consolidated City and County" of Indianapolis and Marion County, Indiana vests in the Board of Directors (the "Board") of the Department certain powers and duties with respect to the operation of the Department; and

WHEREAS, pursuant to the Indiana Code 36-1-11, a disposing agent may transfer, by sale, lease or exchange property; and

WHEREAS, pursuant to Indiana Code § 36-1-11-2(2) the Board is a disposing agent; and

WHEREAS, the Department, through its Liberty Water Division, is in the business of storing, supplying, distributing and selling water to the public in Hendricks County which business is regulated by the Indiana Utility Regulatory Commission (the "Business"); and

WHEREAS, the Department desires to sell and the Town of Plainfield desires to purchase and acquire substantially all the assets of the Department relating exclusively to the Business (the "Liberty Assets");

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. It hereby approves the disposal of the Liberty Assets and the proposed terms of the sale of the Liberty Assets.

SECTION 2. This Resolution shall be in full force and effect from and after adoption.

PROPOSAL NO. 493, 2005. Councillor Conley reported that the Public Works Committee heard Proposal No. 493, 2005 on November 10, 2005. The proposal, sponsored by Councillor Plowman, authorizes speed limit reductions throughout the Waters Edge subdivision (District 25). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Conley moved, seconded by Councillor Langsford, for adoption. Proposal No. 493, 2005 was adopted on the following roll call vote; viz:

23 YEAS: Abdullallah, Bowes, Boyd, Bradford, Cain, Cockrum, Conley, Day, Gibson, Gray, Keller, Langsford, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

6 NOT VOTING: Borst, Brown, Franklin, Mahern, Plowman, Randolph

Proposal No. 493, 2005 was retitled GENERAL ORDINANCE NO. 108, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 108, 2005

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-323, Alteration of prima facie speed limits.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-323, Alteration of prima facie speed limits, be and the same is hereby amended by the addition of the following, to wit:

20 MPH

Throughout the Waters Edge subdivision, specifically the following:

Lily Pad Lane, Grassy Bank Court, Minnow Drive, Skipping Stone Drive, Dragonfly Drive, Floating Leaf Drive, Grassy Bank Drive, Tadpole Court, Front Point Drive

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 559, 2005. Councillor Nytes reported that the Economic Development Committee heard Proposal No. 559, 2005 on November 9, 2005. The proposal, sponsored by Councillors Nytes, Mahern and Keller, approves the amounts, locations, and programmatic operation of certain projects to be funded from Community Development Grant Funds. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Nytes moved, seconded by Councillor Keller, for adoption. Proposal No. 559, 2005 was adopted on the following roll call vote; viz:

25 YEAS: Abdullallah, Borst, Bowes, Boyd, Bradford, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Salisbury, Sanders, Speedy, Talley

1 NAY: Schneider

3 NOT VOTING: Brown, Plowman, Randolph

Proposal No. 559, 2005 was retitled SPECIAL RESOLUTION NO. 82, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 82, 2005

PROPOSAL FOR A SPECIAL RESOLUTION approving the amounts, locations, and programmatic operation of certain projects to be funded from Community Development Grant Funds.

WHEREAS, the City-County Council, the City of Indianapolis and of Marion County, Indiana ("Council"), passed City-County Fiscal Ordinance No. 115, 2005, the 2006 Annual Budget of the Consolidated City of Indianapolis and for Marion County, Indiana ("Budget Ordinance"); and

WHEREAS, Section 4 (b) of the Budget Ordinance, as approved by the Council, reads as follows: Community Development Grant Funds. Until this Council has approved the amounts, locations, and programmatic operation of each project to be funded from Community Development Grant Funds, the amounts appropriated herein for such purposes shall not be encumbered or spent;

WHEREAS, the Department of Metropolitan Development of the City of Indianapolis, Indiana ("Department of Metropolitan Development") has presented the 2006 Consolidated Annual Action Plan, a document submitted to the United States Department of Housing and Urban Development ("HUD"), which sets forth the City's goals and intentions for using federal dollars in fiscal year 2006, to the Council; and

WHEREAS, the 2006 Consolidated Annual Action Plan identifies the amounts, locations, and programmatic operation of each project that will be funded by Community Development Grant Funds, which are summarized in the Summary of 2006 Proposed Activities, attached hereto as Attachment A and incorporated herein by reference; and

WHEREAS, Council now finds that the amounts, locations, and programmatic operations of each project listed in the 2006 Consolidated Annual Action Plan, including insubstantial amendments thereto should be approved; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the amounts, locations, and programmatic operations of each of the projects included in the 2006 Consolidated Annual Action Plan, which are summarized in the Summary of 2006 Proposed Activities, attached hereto as Attachment A and incorporated herein by reference, are approved.

SECTION 2. This approval shall constitute the approval required under Section 4(b) of the Budget Ordinance and shall include and allow insubstantial amendments to the approved projects.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with Indiana Code section 36-3-4-14.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 589, 2005. Introduced by Councillors Sanders and Langsford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves temporary tax anticipation borrowing for Police General, Fire General and Park General Funds in anticipation of current taxes levied in 2005, collectible in 2006"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 590, 2005. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which transfers and appropriates \$225,000 in the 2005 Budget of Marion County Community Corrections (Pre-Trial Conditional Release Fund) to pay operating costs and \$11,000 in the 2005 Budget of the Marion County Treasurer (County General Fund) to pay for personal services, and reduces the budgets of various agencies by \$3,926,955 to fund these transfers and increase the County General Fund balance"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 591, 2005. Introduced by Councillors Bowes and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation totaling

\$860,622 in the 2005 budget of the Marion County Office of the Indiana Department of Child Services (Family and Children's Fund) to enhance local prevention programs, specifically the Neighborhood Alliance for Child Safety, financed by \$700,000 of additional state grant funds, and to pay interest on tax anticipation warrants, financed by fund balance"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 592, 2005. Introduced by Councillors Sanders and Cain. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation totaling \$41,000 in the 2005 Budget of the Marion County Cooperative Extension Service (County General Fund) to pay for educational services provided by Purdue University, financed by a transfer between characters"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 593, 2005. Introduced by Councillors Sanders, Talley, Gray and Bowes. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves the issuance of Family and Children Fund General Obligation Notes in an original aggregate principal amount not to exceed \$17 million and appropriates the proceeds of the borrowing"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 594, 2005. Introduced by Councillors Sanders, Langsford and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves temporary tax anticipation borrowing in the County General Fund and the County Family and Children's Fund in anticipation of taxes levied in 2005, collectible in 2006"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 595, 2005. Introduced by Councillors Mahern, Nytes, Mansfield, Keller and Langsford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which increases certain user fees to reflect more accurately the costs incurred by the Consolidated City and County and to make various technical corrections to Chapters 536 and 875 of the Revised Code"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 596, 2005. Introduced by Councillors Gray and Keller. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which transfers and appropriates \$14,324 in the 2005 Budget of the Department of Parks and Recreation (Non-Lapsing Federal Grants Fund) to pay for staff and related expenses for the K-Plus extended day programming at IPS Christian Park School #82, financed by transfers within characters and a federal grant"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 597, 2005. Introduced by Councillors Gray and Cockrum. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which transfers \$14,327 in the 2005 Budget of the Department of Parks and Recreation (Federal Grants Fund) between characters to reimburse the Park General Fund for staff expenses incurred in support of the Summer Lunch program, provided for in a federal grant from the U.S. Department of Agriculture"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 598, 2005. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which transfers and appropriates \$600,000 and makes certain reductions in the 2005 Budget of the Department of Public Safety, Fire Division (Fire General and Fire Pension Funds), to pay for additional unanticipated costs of fuel for vehicles, to cover overtime costs, and to reduce other appropriations to provide sufficient funds for the 2006 budget"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 599, 2005. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$800,000 and makes certain reductions in the 2005 Budget of the Department of Public Safety, Police Division (Police General and Police Pension Funds) to pay additional unanticipated costs of fuel for vehicles, and to reduce other appropriations to provide sufficient funds for the 2006 budget"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 600, 2005. Introduced by Councillors Moriarty Adams and McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$44,363 in the 2005 Budget of the Department of Public Safety, Police Division (Non-Lapsing Federal Grants Fund), between characters to purchase tactical vests and technology for the Justice Assistance grant, and for investigations equipment for Project Care"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 601, 2005. Introduced by Councillors Moriarty Adams and Talley. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the amendment of the Marion County Sheriff's Department Retirement Plan adopting a deferred retirement option plan"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 602, 2005. Introduced by Councillors Moriarty Adams and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$1,641,000 in the 2005 Budget of the Marion County Sheriff's Department (Sheriff's Civil Fees Fund) to reimburse the City of Indianapolis for fuel provided to Sheriff's Department vehicles, financed by fund balance"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 603, 2005. Introduced by Councillors Moriarty Adams and McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$4,097,357 in the 2005 Budget of the Department of Public Safety, Emergency Management and Police Divisions (Non-Lapsing Federal Grants Funds) to implement the 2nd year of a Homeland Security First Responder grant, funded by a grant from the US Department of Homeland Security, State Domestic Preparedness Equipment Program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 604, 2005. Introduced by Councillors Cockrum and Boyd. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Revised Code of the Consolidated City and County and fixes the rate of reimbursement for use of personal motor vehicles for official business"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 605, 2005. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$146,800 in the 2005 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to reimburse local law enforcement agencies participating in DUI and seatbelt enforcement programs, and to fund a program to combat aggressive driving at high crash areas on Marion County's interstate system, financed by grants from the National Highway Traffic Safety Administration and the Governor's Council on Impaired and Dangerous Driving"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 606, 2005. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which transfers \$40,000 in the 2005 Budget of the Marion County Clerk (Clerk's Perpetuation Fund) to purchase printed file folders for court records, the budget for which was in the wrong character"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 607, 2005. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$75,468 in the 2005 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to employ a staff research analyst and to fund a consulting contract to provide for data collection between all criminal justice agencies serving Marion County, financed by a federal grant allocated by the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 608, 2005. Introduced by Councillors Moriarty Adams and Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$3,000 in the 2005 Budget of the Marion Superior Court (State and Federal Grants Fund) to assist with conference fees for the "Symposium on Juvenile Alternatives to Incarceration and the Protection of Abused and Neglected Children," financed by a grant from the Indiana Department of Education"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 609, 2005. Introduced by Councillors Conley, Talley, Sanders, Gray and Gibson. The Clerk read the proposal entitled: "A Proposal for a General Resolution which authorizes the Indianapolis Bond Bank to fund or coordinate funding for the Septic Tank Elimination Program (STEP)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 610, 2005. Introduced by Councillor Mahern. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the removal of parking restrictions on Drover Street between Oliver Avenue and Henry Street (District 19)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 611, 2005. Introduced by Councillors Boyd, Talley and Sanders. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves financial institutions for city and county banking relationships"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 612, 2005. Introduced by Councillors Boyd, Gray, Talley and Sanders. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which designating the Center for Urban Policy and the Environment, Indiana University-Purdue University Indianapolis as the agency to develop the plan for its Early Intervention Planning Council"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 613, 2005. Introduced by Councillor Abdullah. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Curtis R. Robinson to the Citizen's Advisory Committee for Wayne Township Comprehensive Plan"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 615, 2005. Introduced by Councillors Talley and Bowes. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which amends the City-County Annual Budget for 2006 to create the Marion County Juvenile Incarceration Debt Service Fund and thereby give effect to the Memorandum of Understanding between State of Indiana Budget

Agency, the State of Indiana Department of Local Government Finance, the Auditor of the State of Indiana, the Treasurer of the State of Indiana, the State of Indiana Department of Correction, and the Consolidated City of Indianapolis and Marion County"; and the President referred it to the Community Affairs Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 588, 2005. Councillor Nytes reported that the Economic Development Committee heard Proposal No. 588, 2005 on November 9, 2005. The proposal, sponsored by Councillor Nytes, is a final resolution for LDG-IND, LLC in an amount not to exceed \$11,100,000 which consists of the acquisition and rehabilitation of the existing 256-unit multifamily housing rental project currently known as Fox Run Apartments (to be renamed Cambridge Station Apartments, Phase II) located at 523 Tomahawk Trail (District 13). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Nytes moved, seconded by Councillor Gibson, for adoption. Proposal No. 588, 2005 was adopted on the following roll call vote; viz:

24 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Cain, Cockrum, Conley, Day, Franklin, Gibson, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Salisbury, Sanders, Schneider, Speedy, Talley

1 NAYS: Keller

4 NOT VOTING: Brown, Gray, Plowman, Randolph

Proposal No. 588, 2005 was retitled SPECIAL ORDINANCE NO. 3, 2005, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 3, 2005

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its City of Indianapolis, Indiana Multifamily Housing Revenue Bonds (Cambridge Station Apartments, Phase II) Series 2005 in the aggregate principal amount not to exceed Eleven Million One Hundred Thousand Dollars (\$11,100,000) and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, the Act provides that an issuer may, pursuant to the Act, issue revenue bonds and lend the proceeds thereof to a corporation, partnership or individual for the purpose of financing costs of acquisition or construction of facilities, including real and personal property, for diversification of economic development and promotion of job opportunities in or near such issuer; and

WHEREAS, the Act provides that such bonds may be secured by a trust indenture between an issuer and a corporate trustee; and

WHEREAS, a representative of Cambridge Fox Run, L.P., an Indiana limited partnership (the "Company") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Company in order to enable the Company to undertake and complete the acquisition, rehabilitation, equipping and improvement of the existing two hundred fifty-six (256) unit multifamily housing residential rental facility currently known as Fox Run Apartments (to be renamed Cambridge Station Apartments, Phase II) on an approximately 19.91 acre parcel of land located at 523 Tomahawk Trail, Indianapolis, Indiana; the acquisition of machinery, equipment and furnishings for use in the facility; and the acquisition, construction, rehabilitation and installation of various site improvements at the facility, which will be owned and operated by the Company (the "Project"); and

WHEREAS, the Indianapolis Economic Development Commission (the "Commission") has rendered a report of the Commission concerning the proposed financing of economic development facilities for the Company and the Metropolitan Development Commission of Marion County has been given the opportunity to comment thereon pursuant to Indiana Code, Title 36, Article 7, Chapter 12, Section 23(b); and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the acquisition, rehabilitation, equipping and improvement of the Project by issuing its City of Indianapolis, Indiana Multifamily Housing Revenue Bonds (Cambridge Station Apartments, Phase II) Series 2005 (the "Bonds") in the aggregate principal amount not to exceed Eleven Million One Hundred Thousand Dollars (\$11,100,000); and

WHEREAS, the Commission held a public hearing on November 2, 2005, pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the Commission found that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to a Trust Indenture (the "Trust Indenture") between the Issuer and Wells Fargo Bank, N.A., as Trustee (the "Trustee") in order to obtain funds to lend to the Company pursuant to a Financing Agreement (the "Financing Agreement") by and among the Issuer, the Company and the Trustee for the purpose of financing or providing reimbursement for a portion of the cost of the Project and to pay a portion of the costs of issuance of the Bonds; and

WHEREAS, the Financing Agreement provides for the repayment by the Company of the loan of the proceeds of the Bonds pursuant to which the Company will agree to make payments sufficient to pay the principal and interest on the Bonds as the same become due and payable and to pay administrative expenses in connection with the Bonds; and

WHEREAS, the Issuer, the Company and the Trustee will enter into a Land Use Restriction Agreement (the "Land Use Restriction Agreement") which will govern the use of the Project; and

WHEREAS, the Issuer, the Company and the Trustee will enter into a Tax Regulatory Agreement (the "Tax Regulatory Agreement") to assure compliance with the Code; and

WHEREAS, the Issuer, the Company and Banc of America Securities LLC (the "Underwriter") will enter into a Bond Purchase Agreement (the "Bond Purchase Agreement") regarding the sale of the Bonds; and

WHEREAS, the Underwriter will utilize a Preliminary Official Statement (the "Preliminary Official Statement") and an Official Statement (the "Official Statement") in connection with the offering and sale of the Bonds; and

WHEREAS, the financing will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating in the same market area or in or about Marion County, Indiana; and

WHEREAS, there have been submitted to the Commission for its approval substantially final forms of the (1) Trust Indenture; (2) Financing Agreement; (3) Bond Purchase Agreement; (4) Preliminary Official Statement; (5) Land Use Restriction Agreement; (6) Tax Regulatory Agreement; (7) Bonds (hereinafter referred to collectively as the "Financing Documents"); and (8) this proposed form of special ordinance all of which were approved by the Commission by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA

SECTION 1. It is hereby found that the financing of the economic development facilities consisting of the Project referred to in the Financing Documents, the issuance and sale of the Bonds, the loan of the proceeds thereof to the Company for the purposes of financing or providing reimbursement for a portion of the cost of the Project, and the repayment of said loan by the Company will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The forms of the Financing Documents presented herewith (i) are hereby approved (ii) are incorporated herein and (iii) shall be kept on file by the Clerk of the Council or City-Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer shall issue its Bonds in the aggregate principal amount not to exceed Eleven Million One Hundred Thousand Dollars (\$11,100,000) for the purpose of procuring funds to loan to the Company in order to finance or provide reimbursement for a portion of the cost of the Project which Bonds will be payable as to principal and interest solely from the payments made by the Company pursuant to the Financing Agreement to evidence and secure said loan and as otherwise provided in the above-described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter or placement agent bids for, purchases, offers or sells municipal securities, the participating underwriter or placement agent shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Issuer approves the use and distribution of a Preliminary Official Statement and an Official Statement, in substantially the form submitted to the Issuer, in connection with the issuance, sale and delivery of the Bonds, and authorizes and directs the Mayor of the Issuer to sign the Official Statement if so requested by counsel to the Underwriter. The Preliminary Official Statement is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters. The Mayor, the City Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Preliminary Official Statement is hereby authorized to certify to the Underwriter that the information in the Preliminary Official Statement with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Preliminary Official Statement.

SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Bonds to the purchasers thereof at a price not less than 97% of the aggregate principal amount thereof plus accrued interest, if any, and at rates of interest not to exceed 12% per annum. The Bonds will mature no later than 40 years from their date of issuance.

SECTION 6. The Mayor and City Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and City Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may, by their execution of the Financing Documents requiring their signatures or imprinting of their facsimile signatures thereon, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 7. The provisions of this special ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said Bonds, this special ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 8. The Issuer hereby preliminarily finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Code and regulations promulgated thereunder does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Issuer has relied upon representations of the Company. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the Project. The Issuer hereby authorizes and directs the Mayor to make the foregoing determination again for and on behalf of the Issuer at the request of the Company following receipt of supporting materials submitted by the Company or of the Indiana Housing and Community Development Authority ("HCDA") to the effect that (i) the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project, and (ii) the Project satisfied the requirements for the allocation of a housing credit dollar amount under HCDA's qualified allocation plan. Such determinations shall occur on or about the date of the sale of the Bonds to the purchasers thereof and on or about the date that each building of the Project is placed in service. In reliance upon the representations of the Company, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under HCDA's qualified allocation plan.

SECTION 9. This special ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

PROPOSAL NOS. 617-618, 2005, PROPOSAL NO. 619, 2005, PROPOSAL NO. 620, 2005 and PROPOSAL NO. 621, 2005. Introduced by Councillor Mahern. Proposal Nos. 617-618, 2005, Proposal No. 619, 2005, Proposal No. 620, 2005 and Proposal No. 621, 2005 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on November 4, 2005. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 156-160, 2005, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 156, 2005.

2005-ZON-124

808, 850, 906, AND 940 SOUTH MERIDIAN STREET, 843, 849, 909, 913, 923, 937, 939, AND 945 SOUTH ILLINOIS STREET, 10 WEST MCCARTY STREET, 19 EAST MCCARTY STREET, AND 6 WEST RAY STREET (*Approximate Addresses*), INDIANAPOLIS CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 19.

CONCORD COMMUNITY DEVELOPMENT CORPORATION, by David Kingen, requests a rezoning of 3.47 acres, being in the C-5 (RC) District, to the CBD-2 (RC) classification to legally establish commercial uses, and to provide for mixed-use redevelopment.

REZONING ORDINANCE NO. 157, 2005.

2005-ZON-813

15, 17 AND 26 NORTH ARSENAL AVENUE (*Approximate Addresses*), INDIANAPOLIS CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16.

THE DAMIEN CENTER, INC., by David R. Warshauer, requests a rezoning of 0.84 acre, being in the D-8 District, to the C-1 classification to provide for office uses and counseling services.

REZONING ORDINANCE NO. 158, 2005.

2005-ZON-133

6865 NORTH RURAL STREET (*Approximate Address*), INDIANAPOLIS WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 4.

J E L VOCATIONAL CONSTRUCTION TRADES, INC., by David Kingen, requests a rezoning of 0.39 acre, being in the D-A (FF) District to the D-3 (FF) classification to provide for the construction of a single-family dwelling.

REZONING ORDINANCE NO. 159, 2005.

2005-ZON-132 (2005-DP-009)

5050 EAST 65TH STREET (*Approximate Address*), INDIANAPOLIS WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 4.

MANN PROPERTIES, LLC, by Stephen D. Mears, requests a rezoning of 10.96 acres, being in the D-A District, to the D-P classification to provide for 23 two-family dwellings with a density of 3.65 units per acre.

REZONING ORDINANCE NO. 160, 2005.

2005-ZON-828

1821-1849 SHELBY STREET (*Approximate Addresses*), INDIANAPOLIS CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 20.

SOUTHEAST NEIGHBORHOOD DEVELOPMENT, by David Kingen, requests a rezoning of 0.88 acre, being in the C-2 District, to the C-3C classification to provide for a meat market, multi-family dwellings, and commercial uses permitted in the C-3C District.

SPECIAL ORDERS - PUBLIC HEARING

Councillor Gray reported that the Parks and Recreation Committee heard Proposal Nos. 560-562, 2005 on November 3, 2005.

PROPOSAL NO. 560, 2005. The proposal, sponsored by Councillors Oliver, Cockrum, Gray and Brown, approves an increase of \$19,374 in the 2005 Budget of the Department of Parks and Recreation (Non-Lapsing Federal Grants Fund) to fund three programs for youth at Washington Park, supporting drug and violence reduction and development of a technology-based Youth Leadership Academy for youth ages 10-18, funded by Weed and Seed grants from the US Department of Justice. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Talley called for public testimony at 8:33 p.m. There being no one present to testify, Councillor Gray moved, seconded by Councillor Oliver, for adoption. Proposal No. 560, 2005 was adopted on the following roll call vote; viz:

25 YEAS: *Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Salisbury, Sanders, Schneider, Speedy*
0 NAYS:
4 NOT VOTING: *Abduallah, Plowman, Randolph, Talley*

Proposal No. 560, 2005 was retitled FISCAL ORDINANCE NO. 152, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 152, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 132, 2004) appropriating an additional Nineteen Thousand Three Hundred Seventy Four Dollars (\$19,374) in the Non Lapsing Federal Grants Fund for purposes of the Department of Parks and Recreation, and reducing the unappropriated and unencumbered balance in the Non Lapsing Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(l) of the City-County Annual Budget for 2005 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to fund three programs for youth at Washington Park, supporting drug and violence reduction and development of a technology-based Youth Leadership Academy for youth ages 10-18, funded by Weed and Seed grants from the US Department of Justice.

SECTION 2. The sum of Nineteen Thousand Three Hundred Seventy Four Dollars (\$19,374) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>NON LAPSING FEDERAL GRANTS FUND</u>
2. Supplies	3,062
3. Other Services and Charges	16,200
4. Capital Outlay	<u>113</u>
TOTAL INCREASE	19,375

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Non Lapsing Federal Grants Fund	<u>19,375</u>
TOTAL REDUCTION	19,375

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

There are no matching funds required for these grants.

SECTION 6 This non-lapsing appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

SECTION 7 This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 561, 2005. The proposal, sponsored by Councillors Gray, Cockrum, Nytes and Brown, approves an increase of \$64,474 in the 2005 Budget of the Department of Parks and Recreation (Park General Fund) to fund afterschool programs at IPS School 27, funded by a donation from the United Way, and to implement character building programs for youth, funded by a grant from the NCAA. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Talley called for public testimony at 8:35 p.m. There being no one present to testify, Councillor Gray moved, seconded by Councillor Nytes, for adoption. Proposal No. 561, 2005 was adopted on the following roll call vote; viz:

27 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Salisbury, Sanders, Schneider, Speedy, Talley*
0 NAYS:
2 NOT VOTING: *Plowman, Randolph*

Proposal No. 561, 2005 was retitled FISCAL ORDINANCE NO. 153, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 153, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 132, 2004) appropriating an additional Sixty Four Thousand Four Hundred Seventy Four Dollars (\$64,474) in the Park General Fund for purposes of the Department of Parks and Recreation, and reducing the unappropriated and unencumbered balance in the Park General Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(l) of the City-County Annual Budget for 2005 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to fund afterschool programs at IPS School 27/Charity Dye funded by a donation from the United Way and to implement character building programs for youth, funded by a grant from the NCAA.

SECTION 2. The sum of Sixty Four Thousand Four Hundred Seventy Four Dollars (\$64,474) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

November 14, 2005

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
1. Personal Services	51,734
2. Supplies	2,041
3. Other Services and Charges	<u>10,700</u>
TOTAL INCREASE	64,475

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered	
Park General Fund	<u>64,475</u>
TOTAL REDUCTION	64,475

SECTION 5. The projected December 31, 2005, fund balance for the Park General Fund is as follows:

Cash Balance as of end of Sept, 2005	3,459,548
Estimated remaining revenues to be received this year	<u>8,024,314</u>
Total Funds Available	11,483,862
2005 remaining CY and PY appropriations end of Sept. 2005	9,308,387
Proposed additional appropriation (this proposal)	<u>64,475</u>
Total Requirements	9,372,861
Estimated Fund Balance December 31, 2005	2,111,000

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 562, 2005. The proposal, sponsored by Councillors Gray, Talley, Franklin and Cain, approves an increase of \$102,763 in the 2005 Budget of the Department of Parks and Recreation (Non-Lapsing Federal Grants Fund) to pay for construction inspection for the bike and pedestrian trail on the upper Fall Creek trail between 56th Street and Shadeland Avenue, financed by federal funds from the Transportation Enhancement Fund administered by the Indiana Department of Transportation. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Talley called for public testimony at 8:37 p.m. There being no one present to testify, Councillor Gray moved, seconded by Councillor Gibson, for adoption. Proposal No. 562, 2005 was adopted on the following roll call vote; viz:

25 YEAS: *Abduallah, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Salisbury, Sanders, Schneider, Speedy, Talley*
0 NAYS:
4 NOT VOTING: *Borst, Keller, Plowman, Randolph*

Proposal No. 562, 2005 was retitled FISCAL ORDINANCE NO. 154, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 154, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 132, 2004) appropriating an additional One Hundred Two Thousand Seven Hundred Sixty Three Dollars (\$102,763) in the Non Lapsing Federal Grants Fund for purposes of the Department of Parks and Recreation, and reducing the unappropriated and unencumbered balance in the Non Lapsing Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(l) of the City-County Annual Budget for 2005 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to pay for construction inspection for the bike and pedestrian trail on the upper Fall Creek trail between 56th Street and Shadeland Avenue, financed by federal funds from the Transportation Enhancement Fund administered by the Indiana Department of Transportation.

SECTION 2. The sum of One Hundred Two Thousand Seven Hundred Sixty Three Dollars (\$102,763) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>NON LAPSING FEDERAL GRANTS FUND</u>
4. Capital Outlay	<u>102,763</u>
TOTAL INCREASE	102,763

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Non Lapsing Federal Grants Fund	<u>102,763</u>
TOTAL REDUCTION	102,763

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

Matching funds for this grant equal to 25% (\$25,690) are contained within the current appropriations of the Parks Department, City Cumulative Capital Development Fund.

SECTION 6 This non-lapsing appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

SECTION 7 This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 563-568, 2005 on November 2, 2005. She asked for consent to vote on these proposals together. Councillor Schneider asked that Proposal No. 566, 2005 be voted on separately. Consent was given to vote on Proposal Nos. 563-565, 567, and 568, 2005 together.

PROPOSAL NO. 563, 2005. The proposal, sponsored by Councillors Moriarty Adams and Brown, approves an appropriation totaling \$120,000 in the 2005 Budget of the Marion County Coroner (County General Fund) to fund the cost of providing autopsies, financed by a \$20,000 transfer between characters and \$100,000 from fund balance. PROPOSAL NO. 564, 2005. The proposal, sponsored by Councillors Moriarty Adams and Talley, approves an increase of \$30,288 in the 2005 Budget of the Marion County Sheriff's Department (State and Federal Grants Fund) to provide reimbursement for overtime earned by two deputies while assigned to the Indianapolis Violent Crime Major Incident Safe Street Task Force. PROPOSAL NO. 565, 2005. The proposal, sponsored by Councillors Moriarty Adams and Talley, approves an increase of \$136,296 in the 2005 Budget of the Marion County Sheriff's Department (State and Federal Grants Fund) to provide reimbursement for nine officers assigned to the Indianapolis Metropolitan Gang Safe Streets Task Force. PROPOSAL NO. 567, 2005. The proposal,

sponsored by Councillors Moriarty Adams, McWhirter and Brown, approves an increase of \$127,500 in the 2005 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to fund partial salaries, benefits and other project costs associated with a prosecutor and a paralegal that will specialize in Anti Human Trafficking, in conjunction with other local agencies, funded by a grant from the federal Department of Justice. PROPOSAL NO. 568, 2005. The proposal, sponsored by Councillors Moriarty Adams, McWhirter and Brown, approves an increase of \$753,726 in the 2005 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to fund salaries and benefits of certain prosecutors and support staff of the juvenile and community prosecution divisions, funded by a Byrne Memorial Fund Community Prosecution grant from the Indiana Criminal Justice Institute, a Justice Assistance subgrant from IPD, and a Local Law Enforcement Block grant from the US Department of Justice. By 8-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Talley called for public testimony at 8:45 p.m. There being no one present to testify, Councillor Moriarty Adams moved, seconded by Councillor McWhirter, for adoption. Proposal Nos. 563-565, 567, and 568, 2005 were adopted on the following roll call vote; viz:

22 YEAS: *Abduallah, Bowes, Boyd, Bradford, Cain, Cockrum, Conley, Day, Franklin, Gibson, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Pfisterer, Salisbury, Sanders, Schneider, Speedy, Talley*
0 NAYS:
7 NOT VOTING: *Borst, Brown, Gray, Keller, Oliver, Plowman, Randolph*

Proposal No. 563, 2005 was retitled FISCAL ORDINANCE NO. 155, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 155, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 137, 2004) transferring and appropriating One Hundred Twenty Thousand Dollars (\$120,000) in the Marion County General Fund for purposes of the Marion County Coroner and reducing the unappropriated and unencumbered balance in the Marion County General Fund

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (d) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Coroner to fund the cost of providing autopsies, financed by a \$20,000 transfer between characters and \$100,000 from fund balance.

SECTION 2. The sum of One Hundred Twenty Thousand Dollars (\$120,000) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY CORONER</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	20,000
3. Other Services and Charges	<u>100,000</u>
TOTAL INCREASE	120,000

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>MARION COUNTY CORONER</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	<u>20,000</u>
TOTAL DECREASE	20,000

COUNTY GENERAL FUND

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County General Fund	<u>100,000</u>
TOTAL REDUCTION	100,000

SECTION 5. The projected December 31, 2005 fund balance for the County General Fund is as follows:

Cash balance as of end of October, 2005	(10,770,833)
Estimated remaining revenues to be received this year	<u>48,630,706</u>
Total Funds Available	37,859,873
2005 remaining CY and PY appropriations end of October, 2005	37,709,994
Proposed additional appropriation (this proposal)	<u>100,000</u>
Total requirements	37,809,994
Estimated Fund Balance December 31, 2005	49,979

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 564, 2005 was retitled FISCAL ORDINANCE NO. 156, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 156, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 138, 2004) appropriating Thirty Thousand Two Hundred Eighty Eight Dollars (\$30,288) in the State and Federal Grants Fund for purposes of the Marion County Sheriff's Department and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (b) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Sheriff's Department to provide reimbursement for overtime related to the Indianapolis Violent Crime Major Incident Safe Street Task Force.

SECTION 2. The sum of Thirty Thousand Two Hundred Eighty Eight Dollars (\$30,288) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balance as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SHERIFF'S DEPARTMENT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	<u>30,288</u>
TOTAL INCREASE	30,288

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>30,288</u>
TOTAL REDUCTION	30,288

SECTION 5. No Local Match

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 565, 2005 was retitled FISCAL ORDINANCE NO. 157, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 157, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 138, 2004) appropriating One Hundred Thirty Six Thousand Two Hundred Ninety Six Dollars (\$136,296) in the State and Federal Grants Fund for purposes of the Marion County Sheriff's Department and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (b) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Sheriff's Department to provide a one time reimbursement for none officers assigned to the Indianapolis Metropolitan Gang Safe Streets Task Force.

SECTION 2. The sum of One Hundred Thirty Six Thousand Two Hundred Ninety Six Dollars (\$136,296) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balance as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SHERIFF'S DEPARTMENT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	<u>136,296</u>
TOTAL INCREASE	136,296

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>136,296</u>
TOTAL REDUCTION	136,296

SECTION 5. No Local Match

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 567, 2005 was retitled FISCAL ORDINANCE NO. 158, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 158, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 139, 2004) appropriating an additional One Hundred Twenty Seven Thousand Five Hundred Dollars (\$127,500) in the State and Federal Grant Fund for purposes of the Marion County Prosecutor and reducing the unappropriated and unencumbered balance in the State & Federal Grant Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(c) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Prosecutor to fund partial salaries, benefits and other project costs associated with a prosecutor and a paralegal that will specialize in Anti Human-Trafficking, in conjunction with other local agencies, funded by a grant from the federal Department of Justice.

SECTION 2. The sum of an additional One Hundred Twenty Seven Thousand Five Hundred Dollars (\$127,500) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	105,924
2. Supplies	4,200
3. Other Services and Charges	15,776
4. Capital Outlay	<u>1,600</u>
TOTAL INCREASE	127,500

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>127,500</u>
TOTAL REDUCTION	127,500

SECTION 5. There is no local match required.

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 568, 2005 was retitled FISCAL ORDINANCE NO. 159, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 159, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 139, 2004) appropriating an additional Seven Hundred Fifty Three Thousand Seven Hundred Twenty Six Dollars (\$753,726) in the State and Federal Grant Fund for purposes of the Marion County Prosecutor and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(c) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Prosecutor to fund salaries and benefits of certain prosecutors and support staff of the juvenile and community prosecution divisions, funded by a Byrne Memorial Fund Community Prosecution grant from the Indiana Criminal Justice Institute, a Justice Assistance subgrant from IPD, and a Local Law Enforcement Block grant from the US Department of Justice.

SECTION 2. The sum of an additional Seven Hundred Fifty Three Thousand Seven Hundred Twenty Six Dollars (\$753,726) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

November 14, 2005

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	<u>753,726</u>
TOTAL INCREASE	753,726

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>753,726</u>
TOTAL REDUCTION	753,726

SECTION 5. Local match of \$173,498 for the Byrne Memorial Fund Community Prosecution grant is in the County General Fund budget already approved. There is no match required for the Local Law Enforcement Block Grant or the Justice Assistance grant.

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 566, 2005. The proposal, sponsored by Councillors Moriarty Adams and McWhirter, approves an increase of \$786,729 in the 2005 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to fund salaries, benefits and other project costs associated with programs dealing with Operating a Vehicle While Intoxicated (OVWI), Fatal Alcohol Crash Team (FACT) and Seat Belt Enforcement, financed by grants from the National Highway Traffic Safety Administration and the Governor's Council on Impaired and Dangerous Driving. By a 7-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Schneider said that these are good programs except for the seatbelt enforcement, and he does not believe with the crime rate the way it is, that this is the best use of manpower and funds.

President Talley called for public testimony at 8:49 p.m. There being no one present to testify, Councillor Moriarty Adams moved, seconded by Councillor McWhirter, for adoption. Proposal No. 566, 2005 was adopted on the following roll call vote; viz:

22 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Cain, Cockrum, Conley, Day, Franklin, Gibson, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Pfisterer, Salisbury, Sanders, Speedy, Talley
1 NAY: Schneider
6 NOT VOTING: Brown, Gray, Keller, Oliver, Plowman, Randolph

Proposal No. 566, 2005 was retitled FISCAL ORDINANCE NO. 160, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 160, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 139, 2004) appropriating an additional Seven Hundred Eighty Six Thousand Seven Hundred Twenty Nine Dollars (\$786,729) in the State and Federal Grant Fund for purposes of the Marion County Prosecutor and reducing the unappropriated and unencumbered balance in the State & Federal Grant Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(c) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Prosecutor to fund salaries, benefits and other project costs associated with programs dealing with Operating a Vehicle While Intoxicated (OVWI), Fatal Alcohol Crash Team (FACT) and Seat Belt Enforcement, financed by grants from the National Highway Traffic Safety Administration and the Governor's Council on Impaired and Dangerous Driving.

SECTION 2. The sum of an additional Seven Hundred Eighty Six Thousand Seven Hundred Twenty Nine Dollars (\$786,729) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	373,022
2. Supplies	15,013
3. Other Services and Charges	<u>398,694</u>
TOTAL INCREASE	786,729

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>786,729</u>
TOTAL REDUCTION	786,729

SECTION 5. There is no local match required.

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Conley reported that the Public Works Committee heard Proposal Nos. 569-571, 2005 on November 10, 2005. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 569, 2005. The proposal, sponsored by Councillors Conley, Mansfield, Mahern, Moriarty Adams, Keller, Speedy and Brown, approves the issuance of one or more series of Sanitary District Revenue Bonds, and if necessary, one or more series of notes in an aggregate principal amount not to exceed \$160,000,000 and approving and authorizing other actions in respect thereto. PROPOSAL NO. 570, 2005. The proposal, sponsored by Councillor Conley, transfers and appropriates \$1,563,000 in the 2005 Budget of the Department of Public Works, Fleet Services Division (Consolidated County Fund), to pay additional costs for motor vehicle fuel due to rising fuel prices, financed by internal charges and revenues from non-city customers who purchase fuel from Fleet Services. PROPOSAL NO. 571, 2005. The proposal, sponsored by Councillors Conley and Gibson, approves an increase of \$330,000 in the 2005 Budget of the Department of Public Works, Policy and Planning Division (Non-Lapsing Federal Grants Fund), to implement mutually agreed upon air quality improvement projects, financed by a \$145,000 payment to accomplish a supplemental environmental project provided for in a Consent Agreement and Final Order between the International Truck and Engine Corporation and the US Environmental Protection Agency (EPA), and to retrofit approximately 196 vehicles owned by

DPW and other governmental entities and undertake public education and outreach to raise awareness of air quality issues, financed by a \$185,000 grant from the EPA. By a unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Talley called for public testimony at 8:51 p.m. There being no one present to testify, Councillor Conley moved, seconded by Councillor Gibson, for adoption. Proposal Nos. 569-571, 2005 were adopted on the following roll call vote; viz:

24 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Cain, Cockrum, Conley, Day, Franklin, Gibson, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

5 NOT VOTING: Brown, Gray, Keller, Plowman, Randolph

Proposal No. 569, 2005 was retitled GENERAL RESOLUTION NO. 21, 2005, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 21, 2005

A PROPOSAL FOR A GENERAL RESOLUTION approving the issuance of one or more series of City of Indianapolis, Indiana, Sanitary District Revenue Bonds and, if necessary, one or more series of notes in an aggregate principal amount not to exceed One Hundred Sixty Million Dollars (\$160,000,000) and approving and authorizing other actions in respect thereto.

WHEREAS, the Board of Asset Management and Public Works (the "Board") of the City of Indianapolis, Indiana (the "City"), being the governing body of the Sanitary District of the City (the "Sanitary District"), has determined that it is necessary to issue one or more series of revenue bonds (the "Bonds") of the Sanitary District in the aggregate principal amount of One Hundred Sixty Million Dollars (\$160,000,000), and prior to and in anticipation of the issuance of a series of such Bonds, it may be necessary to issue one or more series of bond anticipation notes and/or limited recourse notes (the "Notes") of the Sanitary District in the aggregate principal amount not to exceed One Hundred Sixty Million Dollars (\$160,000,000) all for the purpose of: (i) procuring funds to apply to the costs of all or a portion of the projects specified in Exhibit A; and (ii) refunding the Sanitary District's currently outstanding limited Recourse Notes (the "Prior Notes"); together with expenses associated therewith and in connection with or on account of the issuance of the Bonds and Notes therefor (the "Projects"); and

WHEREAS, Indiana Code 36-3-5-8 requires the City-County Council to approve the issuance of bonds or notes by any special taxing district of the City; and

WHEREAS, Indiana Code 5-1.4 provides that a "qualified entity," which term includes the Sanitary District, may issue and sell its bonds or notes to The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank"); and

WHEREAS, the Executive Director of the Bond Bank has expressed a willingness to purchase the Bonds and Notes in a negotiated sale subject to approval by the Board of Directors of the Bond Bank, and the Bond Bank may determine to purchase the Bonds or the Notes with proceeds from the issuance of the Bond Bank's bonds (the "Bond Bank Bonds") or tax-exempt commercial paper notes (the "Commercial Paper Notes"), which Bond Bank Bonds or Commercial Paper Notes may be secured by a debt service reserve fund established by the Bond Bank that will be subject to the provisions of Indiana Code 5-1.4-5-1 and Special Ordinance 67,85 of the City-County Council; and

WHEREAS, pursuant to Indiana Code 4-4-11 and Indiana Code 13-18-13, the Sanitary District may issue or sell its bonds or notes to the Indiana Finance Authority (the "Authority") as part of the State Wastewater Revolving Loan Fund ("SRF") Program; and

WHEREAS, the City-County Council has determined that the issuance of the Bonds and Notes by the Sanitary District should be approved; now therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA;

SECTION 1. The City-County Council does hereby approve: (i) the issuance of the Bonds of the Sanitary District in one or more series in the aggregate principal amount of One Hundred Sixty Million Dollars (\$160,000,000); and (ii) the issuance of the Notes in one or more series in an aggregate principal amount not to exceed One Hundred Sixty Million Dollars (\$160,000,000), with the proceeds of the Bonds or Notes used to finance or refinance the costs of the Projects and to refund the Prior Notes. The City-County Council further approves the sale of the Bonds and the Notes to the Bond Bank, to the Authority as part of the SRF Program or to another purchaser by public or negotiated sale. In no event shall the total principal amount of Bonds and Notes outstanding at any time pursuant to this Resolution exceed One Hundred Sixty Million Dollars (\$160,000,000). The City-County Council hereby authorizes any Notes issued pursuant to this Resolution to have a maturity date (including any renewals or extensions) that is not later than five years from the date such Notes are issued.

SECTION 2. The City-County Council does hereby acknowledge that the Bond Bank Bonds and the Commercial Paper Notes may be supported by a debt service reserve fund established by the Bond Bank that will be subject to the provisions of Indiana Code 5-1.4-5-1 and Special Ordinance 67,85 of the City-County Council.

SECTION 3. This Resolution shall be in full force and effect upon adoption and compliance with Indiana Code 36-3-4-14.

Proposal No. 570, 2005 was retitled FISCAL ORDINANCE NO. 161, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 161, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 132, 2004) transferring and appropriating an additional One Million Five Hundred Sixty Three Thousand Dollars (\$1,563,000) in the Consolidated County Fund for purposes of the Department of Public Works, Fleet Services Division, and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(h) of the City-County Annual Budget for 2005 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Fleet Services Division, to pay additional costs for motor vehicle fuel due to rising fuel prices.

SECTION 2. The sum of One Million Five Hundred Sixty Three Thousand Dollars (\$1,563,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>	
<u>FLEET SERVICES DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
2. Supplies	<u>1,563,000</u>
TOTAL INCREASE	1,563,000

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>DEPARTMENT OF PUBLIC WORKS</u>	
<u>FLEET SERVICES DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
5. Internal Charges	<u>1,278,000</u>
TOTAL DECREASE	1,278,000

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	<u>285,000</u>
TOTAL REDUCTION	285,000

SECTION 5. The projected December 31, 2005, fund balance for the Consolidated County Fund is as follows:

November 14, 2005

Cash Balance as of end of Sept, 2005	31,185,526
Estimated remaining revenues to be received this year	<u>8,303,420</u>
Total Funds Available	39,488,947
2005 remaining CY and PY appropriations end of Sept. 2005	20,877,997
Proposed additional appropriation (this proposal)	285,000
Pending appropriation (Proposal 463)	<u>800,000</u>
Total Requirements	21,962,997
Estimated Fund Balance December 31, 2005	17,525,950

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 571, 2005 was retitled FISCAL ORDINANCE NO. 162, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 162, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 132, 2004) appropriating an additional Three Hundred Thirty Thousand Dollars (\$330,000) in the Non-lapsing Federal Grants Fund for purposes of the Department of Public Works, Policy and Planning Division, and reducing the unappropriated and unencumbered balance in the Non-lapsing Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(j) of the City-County Annual Budget for 2005 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Policy and Planning Division, to implement mutually agreed upon air quality improvement projects, financed by a \$145,000 payment to accomplish a supplemental environmental project provided for in a Consent Agreement and Final Order between the International Truck and Engine Corporation and the U.S. Environmental Protection Agency (EPA), and to retrofit approximately 196 vehicles owned by DPW and other governmental entities and undertake public education and outreach to raise awareness of air quality issues, financed by a \$185,000 grant from the US EPA.

SECTION 2. The sum of Three Hundred Thirty Thousand Dollars (\$330,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u> <u>POLICY AND PLANNING DIVISION</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
2. Supplies	310,000
3. Other Services and Charges	<u>20,000</u>
TOTAL INCREASE	330,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Non-lapsing Federal Grants Fund	<u>330,000</u>
TOTAL REDUCTION	330,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This non-lapsing appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

NEW BUSINESS

Councillor Pfisterer wished Councillor Oliver a happy birthday today, President Talley a happy birthday tomorrow, and Councillor Gray a happy birthday on Wednesday.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Borst stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Cain and Schneider in memory of Laura Mortier; and
- (2) Councillor Pfisterer, Langsford, Randolph, McWhirter and Gray in memory of Harry Bruner and Harry L. Frink; and
- (3) Councillor Gray in memory of Thelma "Ernestine" McGill.

Councillor Borst moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Laura Mortier, Harry Bruner, Harry L. Frink, and Thelma "Ernestine" McGill. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:58 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 14th day of November, 2005.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

ATTEST:

Clerk of the Council

(SEAL)